

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PRIMERICA LIFE INSURANCE COMPANY,

Plaintiff,

v.

CV No. 18-109 JCH/CG

CYNTHIA MONTOYA, BIANCA TRUJILLO,
and HERITAGE MEMORIAL FUNDING, LLC,

Defendants.

HERITAGE MEMORIAL FUNDING, LLC, and
BIANCA TRUJILLO,

Cross-Claimants,

v.

CYNTHIA MONTOYA,

Cross-Defendant.

**ORDER SETTING TELEPHONIC STATUS CONFERENCE
AND SETTLEMENT CONFERENCE**

To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Federal Rule of Civil Procedure 16(a)(5). The conference will be held on **Friday, June 15, 2018, at 9:00 a.m. in Albuquerque, New Mexico (courtroom to be assigned at a later date)**. A telephonic status conference will be held on **Thursday, June 7, 2018, at 2:00 p.m.** to discuss the parties' positions.

IT IS HEREBY ORDERED that the parties and a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. However, Defendant Heritage Memorial Funding is not required to have a representative attend the settlement conference in person, but must have a representative available by

telephone for the duration of the settlement conference. Counsel who will try the case, including counsel for Defendant Heritage Memorial Funding, must also attend in person. All attorneys and parties involved in the settlement conference must treat as confidential the information discussed, positions taken, and offers made by other participants in preparation for and during the conference.¹

IT IS FURTHER ORDERED that:

1. By **May 17, 2018**, Plaintiff's counsel shall serve on defense counsel a concise letter that sets forth a settlement demand itemizing the principle supporting damages or other relief that plaintiff asserts would appropriately be granted at trial.
2. By **May 24, 2018**, Defendant's counsel shall serve on Plaintiff's counsel a concise letter that sets forth a response to the settlement demand. Defendant's counsel shall also serve on Third Party Defendant's counsel a concise letter that sets forth a settlement demand itemizing the principle supporting damages or other relief that Defendant asserts would appropriately be granted at trial.
3. By **May 31, 2018**, each party shall provide to the Court:
 - a. A copy of each letter that was sent to an opposing party;
 - b. A confidential, concise letter containing an analysis of the strengths and weaknesses of its case; and
 - c. Any video or audio recordings of the incident upon which this action is based.

These materials may be submitted to the Court by facsimile transmission **(575.528.1675)**, or email **(garzaschambers@nmcourt.fed.us)**.

4. Each of these letters typically should be 5 pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the settlement conference.
5. Before **June 7, 2018**, Counsel shall confer with one another about their client's respective positions.

¹ This does not prohibit disclosures stipulated to by the parties, necessary in proceedings to determine the existence of a binding settlement agreement, or as otherwise required by law.

6. On **June 7, 2018, at 2:00 p.m.** Counsel shall call Judge Garza's "Meet Me" line at **505.348.2693** for a telephonic status conference.

A party must show good cause to vacate or reschedule the settlement conference.

Any such request must provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Carmen E. Garza", with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE